

EXHIBIT FOUR

1 Q Why don't you tell me what her conduct
 2 and demeanor in the office was like?
 3 A I would say that her conduct was often
 4 unpredictable and behavior
 5 unpredictable. By that I mean, if you
 6 were to approach her, sometimes she was
 7 pleasant. Other times she would almost
 8 seem as though she did not enjoy being
 9 interrupted or distracted. Human
 10 Resource is a customer operations
 11 business. That's what we do. My theme
 12 for at least the length of time that I
 13 was a supervisor has always been that the
 14 customer is not an interruption of our
 15 business. The customer is each other, as
 16 well as the external customer. Her
 17 response could not always be counted on
 18 as far as being what I would consider a
 19 good customer service response. She also
 20 had some problems where -- strike that,
 21 if I can get away with a strike.
 22 She would sit very often in a
 23 chair and rock back and forth as just
 24 part of her demeanor in sitting in an

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1 Q Okay. We will pursue that a little bit.
 2 When did you get your law degree, Ma'am?
 3 A When?
 4 Q Yes.
 5 A In 1998.
 6 Q Okay. Did you take any courses in
 7 employment or discrimination law?
 8 A Not in discrimination law, no.
 9 Q But in labor law?
 10 A Yes.
 11 Q You mentioned that at some point you had
 12 training in labor and employee relations?
 13 A Ah-huh.
 14 Q Yes?
 15 A Yes.
 16 Q When was that?
 17 A Over the course of a number of years.
 18 Q Have you ever had any training in the
 19 Americans with Disabilities Act?
 20 A I don't believe that I have taken a
 21 course in that.
 22 Q Have you had any training in it, though?
 23 A Yes.
 24 Q When, and what kind of training?

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1 office, which it was brought to my
 2 attention on more than several occasions
 3 that people found that somewhat off
 4 putting. I spoke to her about that on
 5 several occasions.
 6 Q Anything else about her conduct or
 7 demeanor that you recall, Ma'am?
 8 A I do remember one other time when she
 9 appeared to have -- well, she did have
 10 her head down on her desk and was --
 11 well, again, I remember speaking to her
 12 about that. What I said, I don't
 13 remember.
 14 Q Anything else about her conduct while you
 15 supervised her that was out of the
 16 ordinary or unusual?
 17 A I don't remember when it was, whether it
 18 was when I was supervising her -- I'm a
 19 pretty hands-on supervisor. So if there
 20 was anything that I felt was
 21 inappropriate or if there was something
 22 else that might have happened, I would
 23 have mentioned it or brought it to her
 24 attention.

1 A Generally we have had over the years
 2 conferences, employee relations
 3 conferences in which they may have
 4 offered different trainings or different
 5 short courses in different types of
 6 subject matter.
 7 Q Right.
 8 A And I believe I have attended that type
 9 of training.
 10 Q About the Americans with Disabilities
 11 Act?
 12 A Yes.
 13 Q Do you recall when that would have been?
 14 A I don't.
 15 Q Was it prior to 2001?
 16 A I can't be for certain.
 17 Q In 2001, did you have any familiarity
 18 with the Americans with Disabilities Act?
 19 A I believe that I had a familiarity with
 20 it.
 21 Q Okay. Am I correct that in 2001 and
 22 2002, you supervised Mr. Pagnini, or am I
 23 wrong there?
 24 A I probably did.

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1 Q. Okay. And you supervised him in his role
 2 as Employee Assistance Program Manager?
 3 A. That's correct.
 4 Q. Did you draw any conclusions about Ms.
 5 Tines as a result of this rocking back
 6 and forth behavior, Ma'am?

7 MR. FARQUHAR: I'm going to
 8 object to the form of the question with
 9 regards to the conclusions. You can
 10 answer it, if you can.

11 Q. Let me rephrase that. Did you form any
 12 opinion about Ms. Tines as a result of
 13 this rocking back and forth behavior?

14 (Pause.)

15 A. You know, I don't know if I did or not,
 16 frankly.

17 Q. Did you have any knowledge back in 2001
 18 and 2002 as to whether people with
 19 psychiatric disabilities on occasion rock
 20 back and forth?

21 A. I did not.

22 Q. Okay. Did you have any opinion as to
 23 whether any of Ms. Tines behavior or
 24 conduct difficulties in '01 or '02 were

1 though you are focused." You know, I
 2 can't really remember what I said.
 3 Q. Do you remember specifically talking to
 4 her about the rocking behavior?
 5 A. I do, yes.
 6 Q. Okay. But you don't recall exactly what
 7 you said?
 8 A. No. No.
 9 Q. All right. Did you ever suggest to her
 10 that she seek psychiatric counseling or
 11 therapy as a result of these behaviors?
 12 A. I'm having difficulty with your
 13 characterization of psychiatric.
 14 Q. What characterization is that, Ma'am?
 15 A. In the sense that my job as a supervisor
 16 is to focus on work-related issues; and
 17 we had a public assistance program in
 18 order to do so. So, yes, I did suggest
 19 that she seek employee assistance; if she
 20 had some personal problems, or other
 21 problems, that the Employee Assistance
 22 Program might be helpful.
 23 Q. Okay. So you recall saying that to her?
 24 A. I do.

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1 due to any psychiatric condition?
 2 A. I don't believe so.
 3 Q. Did you give her any instruction or
 4 counseling with regard to these behaviors
 5 you have described?
 6 A. I believe I did.
 7 Q. What counseling or instruction would you
 8 give her?
 9 A. I think as I referred to just recently in
 10 my testimony here, that it was off put.
 11 I really can't remember much more beyond
 12 that.

13 Q. Well, I asked you if you had given her
 14 any instructions or done anything with
 15 her as a result of these behaviors to
 16 help her correct them. You told me it
 17 was off putting.

18 Did you do anything to instruct
 19 her or counsel her about these behaviors?
 20 A. I would consider my conversations with
 21 her counseling, in the sense that I would
 22 say it might put somebody off. I would
 23 say, "People feel uncomfortable walking
 24 into your cubicle. It doesn't feel as

1 Q. How many occasions did you say that to
 2 her on?
 3 A. I have no recollection.
 4 Q. Was it more than one?
 5 A. I have no idea.
 6 Q. How far into your supervision of her was
 7 it that you said that?
 8 A. I have no idea.
 9 Q. You don't know if it was the beginning,
 10 the middle or the end?
 11 A. No.
 12 Q. No?
 13 A. No.
 14 Q. So you never told her or suggested that
 15 she receive psychiatric counseling or
 16 treatment, but you suggested that perhaps
 17 she should go to Employee Assistance,
 18 correct?
 19 A. That's correct.
 20 Q. Why is it that you suggested that perhaps
 21 she should go to Employee Assistance?
 22 A. As I said, my job as a supervisor in that
 23 particular situation is any time there is
 24 a behavior, or a conduct, or however we